

Message Text

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PAGE 01 STATE 038407
ORIGIN DHA-02

INFO OCT-01 ISO-00 AF-08 ARA-06 EA-07 EUR-12 NEA-10 SIG-01
AID-05 IGA-02 CIAE-00 DODE-00 PM-04 H-01 INR-07 L-03
NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 IO-13
OMB-01 TRSE-00 /113 R

DRAFTED BY D/HA/HR:MJSPEAR:DI
APPROVED BY D - MR. CHRISTOPHER
P - MR.TICE
D/HA - MS. DERIAN
AF - MR. WHITING
ARA - MR. LISTER
EA - MR. HARRIS
EUR - MR. GOOTT
L/HR - MR. RUNYON
L/PM - MR. MICHEL
H:MS SWIFT
S/P:MS VOGELGESANG
AID:MR SILVERSTONE
S/S:MR GAMBLE
-----191457 112783 /53

R 190112Z FEB 77
FM SECSTATE WASHDC
TO ALL DIPLOMATIC POSTS

C O N F I D E N T I A L STATE 038407

E.O. 11652: GDS

TAGS: SHUM

SUBJECT: HUMAN RIGHTS REPORTING TO THE CONGRESS

REFS: (1) STATE 307523, DEC. 76; (2) STATE 5158 (NOTAL)

PLEASE PASS TO PAOS
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1. THE HUMAN RIGHTS PROVISIONS OF CURRENT SECURITY
ASSISTANCE LEGISLATION (SECTION 502B OF THE FOREIGN
ASSISTANCE ACT OF 1961, AS AMENDED) CALL FOR TWO DIFFERENT
KINDS OF REPORTING TO THE CONGRESS.

2. THE FIRST ARE REPORTS ;NDER SUBSECTION (B) OF

THE LAW, WHICH ARE PART OF THE ANNUAL SECURITY ASSISTANCE PRESENTATION TO THE CONGRESS. NEARLY 80 OF THESE HAVE BEEN COMPLETED, ARE BEING PRINTED AND SHOULD GO TO THE CONGRESS IN A FEW WEEKS AS PART OF THE REGULAR SECURITY ASSISTANCE CONGRESSIONAL PRESENTATION. THEY REFLECT DEVELOPMENTS AS OF DECEMBER 1976; AN INTRODUCTORY

STATEMENTS NOTES THAT THERE HAVE BEEN SIGNIFICANT CHANGES IN SOME COUNTRIES SINCE THAT TIME. THE REPORTS ARE UNCLASSIFIED AND MAY WELL BE PUBLISHED BY THE CONGRESSIONAL COMMITTEES TO WHICH THEY ARE SUBMITTED. COPIES OF THE INDIVIDUAL COUNTRY REPORTS ARE BEING OR HAVE BEEN SENT UNDER SEPARATE COVER TO ,OSTS CONCERNED. THEY SHOULD NOT BE SHOWN TO HOST GOVERNMENTS AT THIS TIME. AT THE TIME THEY ARE RELEASED TO THE CONGRESS, POSTS WILL BE ADVISED AND MAY THEN, AT THEIR DISCRETION, BRING THEM TO THE ATTENTION OF HOST GOVERNMENTS. POSTS NOT REPEAT NOT WISHING TO DO SO, SHOULD ADVISE THE DEPARTMENT.

3. IN DISCUSSING THESE REPORTS WITH LOCAL OFFICIALS, POSTS SHOULD NOTE:

A) THAT THEY ARE REQUIRED BY LAW.

B) THEY COVER ALL COUNTRIES FOR WHICH THE U.S. IS PROPOSING SECURITY ASSISTANCE (INCLUDING FMS CASH SALES); THE FACT THAT A COUNTRY IS REPORTED ON DOES NOT MEAN THAT IT IS NECESSARILY ON ANY SORT OF HUMAN CONFIDENTIAL

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RIGHTS "BLACKLIST."

C) THE REPORTS SEEK TO BE FACTUAL AND DO NOT REACH ANY CONCLUSION ON WHETHER A COUNTRY ENGAGES IN A CONSISTENT PATTERN OF GROSS VIOLATIONS OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS OR NOT.

D) REFERENCES TO REPORTS BY NONGOVERNMENTAL GROUPS SUCH AS THE INTERNATIONAL COMMISSION OF JURISTS, FREEDOM HOUSE, AMNESTY INTERNATIONAL, ETC. AND INTERNATIONAL ORGANIZATIONS LIKE THE INTERNATIONAL RED CROSS, THE UN AND OAS HUMAN RIGHTS COMMISSIONS ARE REQUIRED UNDER THE LAW.

4. THE SECOND CATEGORY OF REPORTING IS STATEMENTS, CALLED FOR UNDER SUBSECTION (C)(1) OF THE LAW. EITHER HOUSE OF THE CONGRESS OR ITS FOREIGN RELATIONS COMMITTEE MAY REQUEST A STATEMENT ON THE HUMAN RIGHTS PRACTICES OF ANY SECURITY ASSISTANCE RECIPIENT COUNTRY. THIS

MUST BE SUBMITTED WITHIN 30 DAYS OF THE REQUEST OR ASSISTANCE MUST CEASE UNTIL IT IS PROVIDED. TO DATE, STATEMENTS HAVE BEEN REQUESTED ON ARGENTINA, HAITI, PERU, IRAN, INDONESIA AND THE PHILIPPINES. THESE WERE PROVIDED IN CLASSIFIED FORM INITIALLY. SUBSEQUENTLY, THE DEPARTMENT WAS ASKED FOR AND PROVIDED UNCLASSIFIED VERSIONS OF THESE STATEMENTS. THE CONGRESS CAN BE EXPECTED TO ASK FOR STATEMENTS ON A NUMBER OF OTHER COUNTRIES ON WHICH REPORTS ARE SUBMITTED UNDER PARA 2 ABOVE. POSTS WILL BE NOTIFIED WHEN REPORTS ARE REQUESTED.

5. SEVERAL POINTS SHOULD BE NOTED ABOUT THESE STATEMENTS:

A) THE COUNTRIES WERE SELECTED BY THE CONGRESSIONAL COMMITTEES, NOT BY THE DEPARTMENT. THE DEPARTMENT HAS CONFIDENTIAL

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NOT BEEN INFORMED OF THE BASIS FOR SELECTING THESE PARTICULAR COUNTRIES.

B) AS IN THE CASE OF THE SUBSECTION (B) REPORTS, THESE SUBSECTION (C)(1) STATEMENTS MAKE NO DETERMINATION REGARDING A COUNTRY'S HUMAN RIGHTS PRACTICES--A POINT FREQUENTLY MISSED IN MEDIA STORIES WHICH CHARACTERIZED THE STATEMENTS AS STATE DEPARTMENT CONDEMNATION OF THE 6 COUNTRIES.

C) ON THE BASIS OF THE FACTS ON HUMAN RIGHTS PRACTICES AND THE JUSTIFICATION FOR SECURITY ASSISTANCE SET OUT IN THE STATEMENTS, THE CONGRESS MAY THEN DECIDE TO ENACT LEGISLATION TO TERMINATE, REDUCE OR CONTINUE ASSISTANCE TO A COUNTRY.

6. FINALLY, SECTION 116(D) OF THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED, PROVIDES THAT THE ANNUAL AID PRESENTATION TO THE CONGRESS INCLUDE A FULL AND COMPLETE REPORT ON STEPS TAKEN TO INSURE THAT DEVELOPMENT ASSISTANCE IS NOT GIVEN TO ANY GOVERNMENT ENGAGED IN A CONSISTENT PATTERN OF GROSS VIOLATIONS OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS UNLESS IT WILL DIRECTLY BENEFIT THE NEEDY PEOPLE OF THE COUNTRY. UNDER SECTION 116(B), THE SENATE FOREIGN RELATIONS COMMITTEE OR THE HOUSE INTERNATIONAL RELATIONS COMMITTEE MAY REQUIRE INFORMATION FROM THE AID ADMINISTRATOR DEMONSTRATING THAT ASSISTANCE TO A COUNTRY WILL DIRECTLY BENEFIT THE NEEDY PEOPLE IN THAT COUNTRY.

7. TO ASSIST THE AID ADMINISTRATOR IN COMPLYING

WITH THESE REQUIREMENTS, THE DEPARTMENT IS SEEKING
INFORMATION ON HUMAN RIGHTS PRACTICES FROM POSTS IN
COUNTRIES WHICH RECEIVE DEVELOPMENT ASSISTANCE, BUT NOT
SECURITY ASSISTANCE (FOR WHICH REPORTS HAVE ALREADY
BEEN PREPARED). THE STUDIES BASED ON THIS INFORMATION
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WILL BE USED INTERNALLY BY THE DEPARTMENT IN PROVIDING
GUIDANCE TO AID.
HARTMAN

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ORIGIN DHA-02

INFO OCT-01 ISO-00 /003 R

66011

DRAFTED BY: D/HA/HR:HKHILL:DI

APPROVED BY: D/HA/HR:MJSPEAR

-----181726Z 105331 /40

R 180855Z MAR 77

FM SECSTATE WASHDC

TO AMCONSUL RIO DE JANEIRO

C O N F I D E N T I A L STATE 038407

FOLLOWING TEL SENT ACTION ALL DIPLOMATIC POSTS FROM STATE
FEB 19:

QUOTE C O N F I D E N T I A L STATE 038407

E.O. 11652: GDS

TAGS: SHUM

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REFS: (1) STATE 307523, DEC. 76; (2) STATE 5158 (NOTAL)

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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: HUMAN RIGHTS, US CONGRESSIONAL PRESENTATIONS
Control Number: n/a
Copy: SINGLE
Sent Date: 19-Feb-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE038407
Document Source: CORE
Document Unique ID: 00
Drafter: MJSPEAR:DI
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770060-0446
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770224/aaaaavhc.tel
Line Count: 351
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 2e5bf2c3-c288-dd11-92da-001cc4696bcc
Office: ORIGIN DHA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 7
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 77 STATE 307523, 77 STATE 5158
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 30-Nov-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3274165
Secure: OPEN
Status: NATIVE
Subject: HUMAN RIGHTS REPORTING TO THE CONGRESS
TAGS: SHUM, US, XX
To: ALL POSTS
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/2e5bf2c3-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009